IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.Rev.Pet.No. 819 of 2001(A)

CRA.570/2000 of SESSIONS COURT, ERNAKULAM
CC.763/1999 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI
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REVN. PETITIONERS: APPELLANT ACCUSED 2 & 3
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1. **V.D.SURENDRAN, S/O. DAMODHARAN, THE PRESIDENT,THE IDUKKI GENERAL MARKETING CO-OPERATIVE SOCIETY, LIMITED NO.1.207, KANJIKUZHI, IDUKKI.**

2. **SHAJI AUGUSTINE, S/O. AUGUSTINE, THE SECRETARY,THE IDUKKI GENERAL MARKETING CO- OPERATIVE SOCIETY, LIMITED NO.1.207, KANJIKUZHI, IDUKKI.**

BY ADV. SRI.N.N.SASI
SRI.GOVIND K.BHARATHAN

RESPONDENTS: RESPONDENTS/ COMPLAINANT & ACCUSED NO.1
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1. **K.VARGHESE, S/O. K.V.KURIAN, MIG 115, GANDGHI NAGAR, COCHIN 20, FOR M/S. NAFED NEW EDLHI, OFFICE- 35, WAREHOUSING CENTRE, GANDHI NAGAR, KOCHI 20.**

2. **THE IDUKKI GENERAL MARKETING CO-OPERATIVE SOCIETY, LIMITED NO.1-207, KANJIKUZHI, IDUKKI.**

3. **STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY ADV. SRI.V.SANTHARAM
PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO. 819 OF 2001

DATED THIS THE 9th AUGUST 2007

ORDER

The revision petitioners are accused 2 and 3 in C.C.No.763/1998 in the file of the Judicial First Class Magistrate Court-II, Kochi with respect to the offence under Section 138 of the Negotiable Instrument Act . The appellate court confirmed the conviction and sentenced the accused to undergo imprisonment till the rising of the court and to pay a sum of Rs.6,05,000/- each as compensation to the complainant and in default to undergo simple imprisonment for four months. Out of the amount remitted, Rs.12 lakhs was ordered to be paid to the complainant.

2. Counsel for the revision petitioner has only sought for time to pay the amount of compensation and that too in instalments. He has sought for 10 months time to pay the amount of compensation.

3. Counsel for the respondent has opposed the application and it is pointed out that the C.C.is of the year 1998. He has also sought for enhancement the amount of compensation.

In the circumstances, the sentence is modified that the entire amount of compensation remitted as per the order of the lower appellate court shall be released to the complainant. The revision

petitioners/accused are granted six months time to remit the amount of compensation. They may remit the amount in instalments or in lump in accordance with their ability to generate the amounts. The revision petitioners shall appear before the Judicial First Class Magistrate-II, Kochi on 8-2-2008 to receive sentence. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P.NO. 819/2001-A
ORDER

9-8-2007